

2016 May-17 AM 10:55
U.S. DISTRICT COURT
N.D. OF ALABAMAIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

Jab

Billy Ray White #300188
Petitioner

v.

State of Alabama
Gwendolyn Givens (Warden HAIF)
Respondent

~~FILED~~ **FILED**
2016 MAY 16 AM 11:45
Case No. U.S. DISTRICT COURT
N.D. OF ALABAMA

CV-16-BE-0810-1

MOTION FOR PRE-ACTION DISCOVERY
PERPETUATION DISCOVERY OF DOCUMENTS

Comes now, the Petitioner Billy Ray White(Petitioner) in the above-Styled cause and moves this Honorable Court, Pursuant to the Due Process Clause of the Fifth and Fourteenth Amendments of the Constitution of the United States and the Constitution of the State of Alabama, aswell to Rules 27 & 34 (Fed.R.Civ.P.), to order the afore said Respondents to produce and make available to the Petitioner copies of the following documents.

The requested documents are vital to an upcoming action by this Petitioner. To come is a Cognizable proceeding in the style of a 42 USCS §1983 Action in The United States District Court for the Northern District of Alabama Pursuant to an Eighth-Amendment Violation.

RESULTS OF THIS EIGHTH-AMENDMENT VIOLATION:

On April 14, 2016, Petitioner was brutally and Savagely Attacked and beaten by an inmate, who had been placed in the hallway as his

living quarters, while in line to pick-up his medication. Petitioner sustained numerous injuries and facial disfiguration as a result of said action.

Petitioner anticipates proving that this attack only occurred as a result of Respondent placing an inmate in a common/highly traveled area instead of a living area.

RECORDS/DOCUMENTS SOUGHT:

In order for Petitioner to demonstrate the injuries he sustained and as evidence of this Constitutional Violation it is CRITICAL that the records be preserved in order for JUSTICE to perform its duty.

(1) Pictures/Photos; Shortly after the attack, "Officer J. Woods" took multiple photos of the petitioner so to document the injuries.

(2) Incident Report (302); Of the events that occurred 4/14/2016 involving the Petitioner and his being attacked.

(3) Preservation of Video Footage; Petitioner ask that the video footage/recording be preserved for future proceedings. "East Hallway 4/14/16 from around 11:45 A.M. through 12:30 P.M.

(4) Bed Roster; Bed Roster for the East Hall/C-Dorm for 4/14/2016.

Petitioner respectfully ask this Honorable court to use its discretion as to the transfer of records from Respondent to Petitioner. Petitioner moves on this Court to utilize any method that is of the most convenient for this Court and the Respondent.

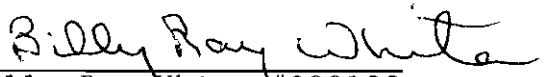
RESPONSE REQUESTED

Petitioner ask this Honorable Court to require the respondent to respond with-in Fourteen (14) days as to not delay Justice.

CONCLUSION

As grounds for this motion, the Petitioner states that the requested matter is material and necessary for the preparation of future actions on the merits of the Constitutional Violations against him and that the items are, or may be, evidentiary, and the production of them is reasonable and will expedite the trial of this cause and materially aid the Petitioner in the preparation of his claim; that some of the material requested is, or may be, exculpatory in nature, and such other reasons as shall further appear at the hearing on this action.

Respectfully Submitted;


Billy Ray White #300188
Petitioner/Pro'se
Hamilton A & I Facility
223 Sasser Drive
Hamilton, Alabama 35570

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been served upon the US District Court for the Northern District of Alabama, at 104 Federal Courthouse, 1800 Fifth Ave. North, Birmingham, Alabama 35203 by placing in the Inmate Drop Box Legal mail system at Hamilton A & I Facility, to be placed in the US Mail with postage prepaid, as well a copy has been served on Gwendolyn Givens (Warden, HAIF), by Handmail placed in the inmate legal mail drop box on this the 12th day of May, 2016

cc;

US District Court N.D. Ala.

Gwendolyn Givens (Warden HAIF)

Billy Ray White